

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
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3 UNITED STATES OF AMERICA

4 v. 17 CR 595 (PGG)

5 NICOLAS DE-MEYER,  
6 Defendant.  
Conference

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8 New York, N.Y.  
9 May 16, 2018  
2:30 p.m.

10 Before:

11 HON. PAUL G. GARDEPHE  
12 District Judge

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16 APPEARANCES

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18 GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York  
19 JUSTIN V. RODRIGUEZ  
Assistant United States Attorney

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21 FEDERAL DEFENDERS OF NEW YORK, INC.  
Attorneys for Defendant

22 BY: SABRINA SHROFF

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1 (Case called)

2 THE CLERK: Is the government ready?

3 MR. RODRIGUEZ: Yes. Good afternoon, your Honor.

4 Justin Rodriguez for the United States.

5 THE CLERK: Defendant ready?

6 MS. SHROFF: We are. Good afternoon, your Honor. On  
7 behalf of Mr. De-Meyer, who is seated to my left, Federal  
8 Defenders of New York by Sabrina Shroff.

9 THE COURT: This is a status conference. We were last  
10 together at the end of march. At that time defense counsel  
11 requested an adjournment due to her participation in a long-  
12 running trial. The purpose of today's conference is to  
13 determine what the future of the case is going to be, whether  
14 there is going to be pretrial motions, and if necessary set a  
15 trial date. Ms. Shroff, from your perspective, where are we  
16 handed?

17 MS. SHROFF: Candidly, your Honor, I'm not really  
18 sure. I have been on trial before Judge Kaplan for a month and  
19 a half. I just finished two weeks ago. Mr. De-Meyer doesn't  
20 live in New York, so he and I have not quite had enough time to  
21 speak. I don't know where the case is headed. It could be a  
22 trial. It might end up with a plea. I am happy to set a  
23 schedule if the Court wants at this time provided it is a  
24 fairly flexible schedule because I do have some other preset  
25 trial dates in place already.

1 THE COURT: Do you anticipate any motions in the case?  
2 Or do you not know yet?

3 MS. SHROFF: I don't know yet.

4 THE COURT: The question is how long will you need  
5 before we can have a substantive conversation about what the  
6 future of the case is going to be. 30 days or longer or what?

7 MS. SHROFF: How about 45.

8 THE COURT: 45 days. Does the government have any  
9 objection to a 45-day adjournment?

10 MR. RODRIGUEZ: No, your Honor.

11 THE COURT: Today is May 16th. That would bring us to  
12 the end of June or early July.

13 THE CLERK: Friday, June 29th at 10:30 is available.

14 THE COURT: How is that for everybody, June 29th at  
15 10:30?

16 MS. SHROFF: I don't have if I have any trouble with  
17 the date. I think 10:30 in the morning might not work. If I  
18 could have a later time in the afternoon that would help.

19 THE COURT: 3 o'clock?

20 MS. SHROFF: 3 o'clock is great. Thank you.

21 THE COURT: June 29, 3:00, is that okay with the  
22 government?

23 MR. RODRIGUEZ: Yes, your Honor.

24 THE COURT: Does the government wish me to exclude  
25 time between then and now?

MR. RODRIGUEZ: Yes, your Honor. The government moves to exclude time under the Speedy Trial Act between now and June 29th. Such an exclusion from the government's perspective would be in the interests of justice as it will allow defense counsel to continue their review of discovery as well as to consider and decide whether any motions are appropriate.

THE COURT: Is there any objection?

MS. SHROFF: No, your Honor.

THE COURT: I will exclude time between today and June 29, 2018 under the Speedy Trial Act pursuant to Title 18, United States Code, section 3161(h)(7)(A) to permit defense counsel to continue discussions with her client and determine whether there will be any pretrial motion in the case. I do find that the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

Is there anything else?

MR. RODRIGUEZ: Not from the government.

MS. SHROFF: No, your Honor. Thank you.

THE COURT: Thank you.

(Adjourned)